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OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

NEW CALEDONIA

Working paper prepared by the Secretariat

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I. INTRODUCTION

1. The present working paper is an update of the previous working paper on New Caledonia prepared by the Secretariat in 1994 (A/AC.109/1197).

II. GENERAL

2. New Caledonia is located in the Pacific Ocean, about 1,500 kilometres east of Australia and 1,700 kilometres north of New Zealand. It comprises one large island, known as Grande Terre, and smaller islands known as the Loyalty Islands (Ouvéa, Maré, Lifou and Tiga), the Bélep Archipelago, the Isle of Pines and Huon Island. There are also several uninhabited islands to the north of the Loyalty Islands. The area of Grande Terre is 16,750 square kilometres and that of the whole Territory, 19,103 square kilometres. Nouméa, the capital, is located in the south of Grande Terre.

3. According to the 1989 census, the population was 164,173, comprising 73,598 indigenous Melanesians known as Kanaks (44.8 per cent); 55,085 persons of European origin, mainly French (33.6 per cent), of whom 35,000 persons, known as Caldoches, are descendants of the early settlers; 18,936 Wallisians and Tahitians (11.5 per cent); and 16,554 others, mainly Indonesians and Vietnamese (10.1 per cent). It is estimated that in 1991 the population was 170,000 persons.

4. There are two principal political groupings and numerous small parties. The two main groupings are the Rassemblement pour la Calédonie dans la République (RPCR), which supports the principle of maintaining New Caledonia in the French Republic, and the Front de libération nationale kanake socialiste (FLNKS), which favours independence. The constituents of FLNKS include the Union calédonienne (UC), the Parti de libération kanak (PALIKA), the Union progressiste mélanésienne and the Parti socialiste calédonien (PSC). 1/

5. The Matignon Accords of 1988 (see A/AC.109/1000, paras. 9-14) provide for a 10-year period of economic and social development and a self-determination referendum to be held in 1998. During the period of development, efforts are being concentrated on effecting a more equitable economic distribution among the three provinces and providing education and training that would enable Kanaks to participate equally in the economy and Government of the Territory.

III. POLITICAL DEVELOPMENTS

6. The fourteenth Congress of the FLNKS concluded its work on 3 December 1994 2/ at Paya, on the west coast. The leadership of the FLNKS reaffirmed its willingness to pursue discussions with the other parties to the Accords. Mr. Paul Neaoutyine, who was re-elected president of the Front, stated then that the dialogue must concentrate on the political arrangements prevailing during the remaining period (1995-1998) as well as on the future of the Territory beyond 1998. A major item of discussion is expected to revolve around the institutional arrangements that would be put in place following the full

implementation of the Matignon Accords (for detailed information regarding the Matignon Accords, see annexes I to VII).

7. The FLNKS declared its support for the opinion of the UC, the majority party within the FLNKS coalition, that it was imperative to avoid making the planned referendum a divisive issue in New Caledonia between the proponents of independence and the supporters of the status quo. The prevalent sentiment was that all parties should agree upon a compromise formula regarding the future status of the Territory prior to the referendum, which in effect ratified it ad posteriori.

8. Mr. Paul Neaoutyine stated at the time that the ongoing discussions with all the other parties could determine a way to evolve towards independence that would take into consideration a certain degree of disagreement with regard to the competence directly related to the question of sovereignty. This line of thinking, which prevailed during the fourteenth Congress of the FLNKS, was an indication that the leadership of the Front was in favour of closing ranks and reinforcing its own coalition, to which it would like to invite other nationalists and progressive groups, such as political, social and organized labour organizations.

9. It was reported that the FLNKS had for the first time boycotted the meetings of the Committee to Monitor the Matignon Accords, held on 7 to 8 February 1995 at Nouméa. 3/ FLNKS declared that since 1993 the RPCR had not been interested in discussing the genuine implementation of the Accords and that the Government of France had not shown any eagerness to implement them.

IV. ECONOMIC DEVELOPMENTS

A. Mining industry

10. According to the latest estimates, New Caledonia has up to 40 per cent of the world's known nickel resources. Estimated production capacity of the nickel ore deposit of the Société Le Nickel, a subsidiary of the French conglomerate ERAMET, is put at 830,000 tons per year over another 15 years. SLn exports matte and ferro nickels and currently supplies 65 per cent of Australia's consumption of lateritic ore (1.5 per cent nickel content) and 52 per cent of Japan's consumption of garnieritic ore (2.2 to 3 per cent nickel content). 4/

B. Communications

11. Air transportation continued to be of significant importance for the Territory, which is currently being serviced by the following airlines: Air France; ACI; AOM; Corsair; Qantas; Air New Zealand; and Air Vanuatu. The number of air passenger arrivals to New Caledonia in 1994 was 298,173 compared with 287,974 passengers in 1990. 4/

V. ACTION OF THE GENERAL ASSEMBLY

12. On 9 December 1994, the General Assembly adopted without a vote resolution 49/45, entitled "Question of New Caledonia". The text of the resolution is as follows:

"The General Assembly,

"Having considered the question of New Caledonia,

"Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to New Caledonia, 1/

"Reaffirming the right of peoples to self-determination as enshrined in the Charter of the United Nations,

"Recalling its resolution 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960,

"Noting the importance of the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the population, to promote political, economic and social development in the Territory, including measures in the area of environmental protection and action with respect to drug abuse and trafficking, in order to provide a framework for its peaceful progress to self-determination,

"Noting also, in this context, the importance of equitable economic and social development, as well as continued dialogue among the parties involved in New Caledonia in the preparation of the act of self-determination of New Caledonia,

"Welcoming the strengthening of the Matignon Accords review process through the increased frequency of coordination meetings,

"Noting with satisfaction the intensification of contacts between New Caledonia and neighbouring countries of the South Pacific region,

"1. Urges all the parties involved, in the interest of all the people of New Caledonia and building on the positive outcome of the mid-term review of the Matignon Accords, to maintain their dialogue in a spirit of harmony;

"2. Invites all the parties involved to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard

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"1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 23 (A/49/23), Part V, chap. VIII.

the rights of all New Caledonians according to the letter and the spirit of the Matignon Accords, which are based on the principle that it is for the populations of New Caledonia to choose how to control their destiny;

"3. Welcomes measures which have been taken to strengthen and diversify the New Caledonian economy in all fields, including the commissioning of the new nickel mine by the Société métallurgique Le Nickel at Kopeto and the establishment of new aquaculture projects, and encourages further such measures in accordance with the spirit of the Matignon Accords;

"4. Also welcomes the importance attached by the parties to the Matignon Accords to greater progress in housing, employment, training, education and health care in New Caledonia;

"5. Acknowledges the contribution of the Melanesian cultural centre to the protection of the indigenous culture of New Caledonia;

"6. Notes the positive initiatives aimed at protecting New Caledonia's natural environment, notably the "Zonéco" operation designed to map and evaluate marine resources within the economic zone of New Caledonia;

"7. Acknowledges the close links between New Caledonia and the peoples of the South Pacific and the positive actions being taken by the French and provincial authorities to facilitate the further development of those links, including the development of closer relations with the member countries of the South Pacific Forum;

"8. Welcomes in particular, in this regard, continuing high-level visits to New Caledonia by delegations from countries of the Pacific region and high-level visits by delegations from New Caledonia to member countries of the South Pacific Forum;

"9. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue the examination of this question at its next session and to report thereon to the General Assembly at its fiftieth session."

Notes

1/ The Europa World Year Book 1992, vol. I, p. 1148.

2/ Le Monde, 6 December 1994.

3/ Ibid., 10 February 1995.

4/ Island Business, May 1995.

ANNEX I

New Caledonia in May 1995 and the monitoring of the Matignon Accords

Since 1988 New Caledonia has developed within the framework of the Matignon Accords and the Referendum Act of 9 November 1988 which embodied statutory arrangements preparatory to the exercise of self-determination in New Caledonia in 1998.

On his first official visit to New Caledonia in June 1993, the Minister for Overseas Departments and Territories stated that it was the Government's intention to carry out its mission of arbitration, keep the civil peace, promote dialogue and continue the realignment of the provinces created by the Referendum Act, in keeping with the Matignon Accords and to work in close collaboration with the signatories to the Accords, in a spirit of mutual respect for the convictions and responsibilities of each party.

At the 5th meeting of the Committee to Monitor the Matignon Accords, which met in Paris from 6 to 9 December 1993, this position was reaffirmed by the Prime Minister, who received the delegations. It was decided that intermediate decentralized meetings would be held in order to ensure that the dialogue became more regular and that the decisions of the annual meetings of the monitoring committee would be acted on. Two intermediate meetings of the monitoring committee would be acted on. Two intermediate meetings of the monitoring committee were held: one in February 1994 in Koné, capital of North Province; the other in September 1994 in Nouméa, capital of the Territory and of South Province.

These meetings and the decisions taken there represent the practical implementation of the desire of the New Caledonian partners (RPCR and FLNKS) and of the State to conduct a constructive and practical dialogue in pursuit of the development and realignment of the Territory.

In September 1994, at Nouméa, the partners approved the State's proposal to set up a team of planners in Nouméa, whose task it would be to help the provinces and the Territory seek investment and to follow up development projects. The Agency for the Economic Development of New Caledonia (ADECAL), a kind of DATAR (Délégation à l'aménagement du territoire et á l'action régionale), or regional development agency, was set up with the financial participation of the provinces, the Territory and the State and was officially inaugurated in February 1995 by the Minister for Overseas Departments and Territories.

The partners also agreed that a sine qua non of the Territory's economic and social development would be a comprehensive medium- and long-term plan for certain strategic sectors, which would inform decision-making. Accordingly, discussions have been held, with the participation of the State, in the following areas: energy, telecommunications. the development of the nickel industry, air transport and tourism.

In the institutional sphere, more than five years of application of the Referendum Act of 9 November 1988 had brought to light a number of problems relating to the respective areas of authority of the State, the Territory, the provinces and the municipalities. In agreement with the partners, only those technical adjustments which had been approved by consensus were retained. Parliament has passed the Organic Law of 20 February 1995 which made it possible to restate in certain areas the principles of decentralization desired by the signatories to the Matignon Accords.

The end of 1994 and the first months of 1995 have seen several meetings of the political groupings registered for the forthcoming elections in 1995 - in addition to the Presidential and municipal elections, there will also be elections for the provincial assemblies, the first since the assemblies were established under the Referendum Act of 1988; they are scheduled for 9 July 1995. Discussions have focused in particular on the future of the Territory and on the choice which will be made in the ballot for self-determination to be held in 1998.

The 6th meeting of the Committee to Monitor the Matignon Agreements was due to take place in Nouméa at the beginning of February 1995. Although, as the time approached, the two partners adopted differing positions on certain matters, they were still intent on seeking a consensus on the future of New Caledonia. When FLNKS decided, because of its desire to create a more transparent and more active partnership, that it would take part in a formal meeting of the Committee, the meeting was replaced by informal discussions between the partners. FLNKS opposed the decision to authorize the establishment of a new casino within the Meridien Hotel, which was to open at the end of February 1995, despite the fact that all three provinces were involved in the project. FLNKS noted that no progress had been made on some questions and that the working groups had not been meeting, as RPCR refused to take part in them. It called for greater commitment in order to move ahead with the work of realignment.

The partners to the accords all reaffirmed their desire not to break off the dialogue and to bring to fruition the process initiated with the Matignon Accords.

In the French Presidential elections, FLNKS left its various constituents free to choose, while PALIKA and the Union progressiste mélanésienne were in favour of boycotting the ballot in order to be consistent with their pro-independence position. Another constituent of FLNKS, the Union Calédonienne, urged its members to vote for Mr. Jospin. With regard to RPCR, one of its members of Parliament for the Territory, Mr. Lafleur, supported Mr. Balladur in the first round, but called on voters to transfer their votes "without hesitation" to Mr. Chirac in the second round. The other RPCR member of Parliament, Mr. Nenou-Pwathaho, was Chairman of the official Support Committee for Mr. Chirac.

ANNEX II

Amendments to the Referendum Act of 9 November 1988 embodying statutory arrangements preparatory to self-determination in New Caledonia in 1998

The Organic Law of 20 February 1995 amended the Act of 9 November 1988 with a view to preserving the institutional alignments arising from the Matignon Accords or to re-establish them where there had been problems of implementation or interpretation. The amendments were approved by the partners to the Accords and were favourably received by the Territorial Congress and the Territorial Consultative Committee.

FLNKS accepted these technical amendments to the Referendum Act. However, it rejected two amendments requested by RPCR deeming them political; the first sought to alter the minimum required in order for a list of candidates to be allocated seats in provincial assemblies, from 5 per cent of votes cast to 5 per cent of registered voters; the second aimed to transfer authority over gambling from the State to the provinces.

Article 1 of the Organic Law amends article 8 of the Referendum Act, which relates to the authority of the State. It augments the authority that the provinces have under ordinary law for regulating internal trade and commercial occupations, and for protecting the lagoon environment. It also confirms the de facto authority of the State over domestic maritime traffic and conferment of sports, social and educational qualifications and diplomas.

Article 2 of the Law amends article 9 of the Referendum Act, defining the authority of the Territory restrictively as animal and plant health authority in order to avoid all encroachment on provincial jurisdiction.

Article 3 of the Law supersedes article 10 of the Referendum Act, which was redundant. As the Territorial Congress had previously decided - although it had no legal basis - Congress will be able to delegate to a provincial assembly the power to modify and apply regulations concerning public health and hygiene and social welfare, and those concerning road traffic and transport, in the light of local conditions. Similarly, Congress will be able to delegate to a province, with the agreement of its assembly, the management of watercourses and of stretches of the road system which are of importance to the Territory.

Article 4 adds three new articles regarding the provincial assemblies to the Referendum Act. Article 24 states that the provincial assembly may approve submissions from a town council relating to town planning. Article 24-2 stipulates that, where a municipality has a town planning programme, the provincial assembly may, if the municipality so requests, delegate to the mayor the power to issue certain individual deeds relating to zoning. Lastly, article 24-3 allows the provincial assembly to delegate to a municipality or an association of municipalities the power to grant concessions in the provision of electricity.

Article 5 clarifies the formulation of article 32 of the Referendum Act relating to the funds of the provinces, with a view to ending the problem of how to interpret the term "local taxes", on top of which the provinces levy additional taxes.

Article 5 bis corrects the bases for calculating how much the State will contribute to the provinces of New Caledonia for the financing of schools. It provides a reassessment of this base, which was out of line with the actual financing established by the State for the benefit of the provinces.

Article 5 ter gives contractual employees in the administrative branches of public bodies of the State, the Territory, the provinces and the municipalities, the opportunity to avail themselves of the special provision laid down in article 83 of the Referendum Act, allowing them to join the Territorial civil service.

Article 6 adds an article 35-1 to the Referendum Act authorizing the President of the Territorial Congress or the President of a provincial assembly to refer for an opinion to the Administrative Court of Nouméa.

Article 14 inserts an 18 bis into article 8 of the Referendum Act authorizing the State, as from 31 December 1994, to establish the rules applicable to employees of private educational establishments contracted to the State concerning conditions of service, termination, social benefits, training opportunities and promotion and career development opportunities for qualified teachers in State education (an extension of the application of the Guermeur Act). These amendments will also apply in French polynesia.

ANNEX III

Preparing for the 1998 referendum in New Caledonia

In April 1991 RPCR, led by Mr. Jacques Lafleur, proposed the idea of a consensus solution in order to avoid the "guillotine referendum" nature of the self-determination referendum which is due to be held between 1 March and 31 December 1998 (article 2 of the Act of 9 November 1988).

FLNKS, for its part, favoured strict implementation of the Referendum Act and felt that the latter could not be amended before the vote took place.

At the time of the annual meeting of the Committee to Monitor the Matignon Accords, held in Paris in February 1993, a change was becoming apparent within the ranks of FLNKS. Its delegation wanted discussions to begin immediately between the two parties concerning the choice to be made at the 1998 vote. RPCR stated that it was unwilling to enter into discussions until after the provincial elections of 1995.

FLNKS and RPCR reiterated their positions at the intermediate committee meetings in Koné (February 1994) and Nouméa (September 1994).

The position of principle of FLNKS, namely, that the Referendum Act should remain unchanged until the 1998 vote, was also changing. In September 1994 a consensus emerged between the two sides in favour of making certain technical adjustments, in order to restore the principles of decentralization, as enshrined in the Matignon Accords (Organic Law of 20 February 1995).

When the Minister for Overseas Departments and Territories visited Nouméa in February 1995, to preside over the annual meeting of the monitoring committee, FLNKS refused to attend. It did, however, agree to an informal meeting of the two sides, after which Mr. Neaoutyine and Mr. Lafleur declared that their dialogue would continue and that they were prepared to talk after the 1995 elections. The Minister for Overseas Departments and Territories stressed the importance of giving consideration to the method of work to be applied in preparing for the 1998 vote. He had made a number of proposals in that respect during the informal meeting.

The two New Caledonian leaders are clearly determined to find a way of preventing the 1998 vote from becoming a "guillotine referendum".

They are also convinced that the new President of France and the Government will stay within the framework of the Matignon Accords.

The Union Calédonienne, the majority party within FLNKS, has already begun to think about this. Taking stock of the party's twenty-fifth congress in November 1994, Mr. Burck said: "Those who say that we are not ready for independence in 1998 are correct." Quoting Jean-Marie Tjibaou, he recalled that "Independence itself is not negotiable; not so the steps by which it will be reached."

While emphasizing its opposition to the idea of a 30-year pact similar to the Matignon Accords, favoured by Mr. Lafleur, the Union Calédonienne has decided to give priority, immediately after the 1995 elections, to negotiations on the transfer of certain aspects of sovereignty. These negotiations would involve establishing the stages of the process, and defining a time-frame.

The Union Calédonienne believes that this gradual transfer of power to the Territory or the provinces could involve such things as immigration, external trade, natural resources (mines), education, labour law and vocational training.

Implementing this process, if agreement is reached, will mean modifying current statutes by means of an organic law.

The Union Calédonienne's idea would be to elaborate, by the end of 1998, a new status for the Territory; that status would be the object of the referendum.

After the first round of voting in the presidential election, Mr. Burck, President of the Union Calédonienne, declared that the best president would be "one who will be prepared to enter into a dialogue with us, with a view to granting us independence". Mr. Lafleur announced that proposals for a consensus solution would be discussed with the other parties to the Matignon Accords once the elections for the provincial assemblies were over; those elections are scheduled for 9 July 1995. He said that he would like the discussions to be open for all other interested parties in the Territory, such as trade unions, socio-professional organizations and management.

At the informal meeting of the parties to the Matignon Accords, held in February 1995 in Nouméa, the Minister for Overseas Departments and Territories indicated that the State would play a full part in future discussions. He proposed that the parties should, without waiting for the provincial elections, together work out a method which could lead to the setting up of a permanent operational organization.

ANNEX IV

Draft summary of conclusions of the second intermediate meeting of the Committee to Monitor the Matignon Accords in Nouméa on 15 September 1994

At its fifth meeting, the Committee to Monitor the Matignon Accords decided that holding decentralized quarterly meetings would contribute to the efficient implementation of its decisions.

The meeting in Koné, on 22 February 1994, was followed on 15 September 1994 by a second intermediate meeting of the monitoring committee; the latter was chaired by Mr. Dominique Perben, Minister for Overseas Departments and Territories, and was held in Nouméa. The delegations of RPCR and FLNKS were led by Mr. Jacques Lafleur, deputy for New Caledonia, and Mr. Rock Wamytan, the Vice-President of FLNKS.

1. Economic development and realignment

At the 5th meeting of the Committee to Monitor the Matignon Accords, the partners expressed the wish to see a small team of economists and planners given the task of helping the provinces and the Territory attract productive investments, and of seeking out and following up development projects.

The main lines of the report by Mr. Viger, Commissioner for the industrial redevelopment of Lorraine, who had come to the Territory on mission from 6 to 13 July 1994, were approved.

The main tasks of this structure would be to seek out new activities and to contribute to local development. It could assist communities and organizations in matters regarding development, and would be based on an association grouping all concerned social, economic and political institutions. Members of the association would thus have power to guide and supervise the activities of the development team.

The partners stressed the importance such a structure would have for the Territory. They felt that it should be made up of a small team of specialists, that it should complement - but should not interfere with - the activities of the provinces, which are responsible for development, that it should integrate the town and country planning dimension into its work of seeking out investment and developing activities and that its activities as a provider of services and its normal role should be clearly defined.

The partners agreed that Mr. Viger should return to the Territory the following month to go more deeply into the tasks of the development structure and to clarify how it would operate. He would present a projected budget as well as sources of finance and would determine how the body would be set up; it would also be necessary to find a name for the body, which would have to be operational from the beginning of 1995. Having regard for the need for financial backing, he might set up a very small skeleton organization which would function until the definitive structure was established.

It was stressed that this organization would be able to work with the municipalities.

2. Questions relating to the allocation of authority

More than five years of applying the law of 9 November 1988, which embodied statutory provisions preparatory to the exercise of self-determination in New Caledonia in 1998, have revealed a number of problems relating to the respective areas of competence of the State, the Territory, the provinces and the municipalities.

It was noted, for example, that the authority of the provinces and the municipalities were being called into question in certain matters and that this conflicted with the institutional balance established by the Referendum Act. This had also resulted in legal uncertainties and increased complexity in the administration of New Caledonian communities. A list of the principal matters in question was communicated to the partners in the file given to them before the intermediate meeting of the monitoring committee.

The partners agreed that it would be advisable to make technical adjustments to the Referendum Act of 9 November 1988 in order to regain the spirit and return to the principles of decentralization desired by the signatories of the Matignon and Oudinot Accords.

Taking into consideration the timetable provided by the Minister for Overseas Departments and Territories, they decided to meet very speedily in order to draw up together a list of technical adjustments so that the draft organic law in which they would be incorporated could, after consultation with Congress and the New Caledonia consultative committee, be introduced and voted on at the next parliamentary session.

The Minister for Overseas Departments and Territories assured the partners that the Government was committed to making sure that this modification to the Referendum Act would affect only the technical problems which had been identified and to which their agreement had been secured.

3. Coherence in the economic development of the Territory

The partners agreed that a sine qua non of the Territory's economic and social development would be a comprehensive medium- and long-term plan for certain strategic sectors, which would inform decision-making. They favoured the idea of having in-depth discussions, with the participation of the State, in the following areas:

3.1 Electricity

Within the Territory, this sector requires greater expertise regarding the organization of production, distribution and the setting of rates.

FLNKS pointed out that rates would have to be reviewed in the very near future to ensure a sound financial footing for "ENERCAL", and the "energy" working group of the monitoring committee decided to ask a private company to

audit the sector. This audit was not undertaken since merely resorting to a private company seemed insufficient.

It was decided that a comprehensive survey of the electricity sector would be launched immediately. It could be carried out by a commission of government officials including, for example, representatives of the tax inspectorate and of the Ministry of Industry. It is possible that studies of particular issues will also be undertaken.

3.2 Telecommunications

There are a number of questions in this sector: the status of the office for telecommunications, concerning which the working group has made some proposals, renegotiation of the office's agreement with Société France Câbles et Radio and, finally, the regulation of postal and telecommunications services.

It was decided that these three topics would be considered simultaneously.

3.3 Nickel

Aside from the recent decision to raise the ceiling on the highest grade of nickel ore authorized for export, it was decided that the monitoring committee should be kept regularly informed regarding developments in the nickel sector.

Arbitration procedures are under way regarding the estimates of Bureau de recherches géologiques et minières (BRGM) and Société le Nickel (SLN) regarding the concessions in the north, so as to facilitate the agreement of the parties.

3.4 Air transport and tourism

What with the opening of the skies and the increase in the total amount of tourist accommodation, this sector is developing rapidly.

It would be necessary to think about reorganizing facilities at Tontouta airport, increasing services in light of the expected economic development and increase of tourism in the Territory, and also about the income from tourism. The position of the regional company would have to be considered in this context. FLNKS would like to strengthen the regional position of Air Calédonie International by, for example, designating this company to provide service on all sections of the Sydney-Nouméa-Sydney route.

An ad hoc working group will keep the parties regularly and fully informed and will also ensure consistency of thought and initiatives.

3.5 Nepoui

It was recalled that this project is important in terms of realignment, and that it therefore involves the whole Territory.

It has been agreed that the steering committee will meet in the very near future, and that it will consider the final report on the first conditional section of the study.

4. Progress achieved and other matters

Before meeting in Nouméa, the partners were given a progress report on what had happened following the December 1993 meeting of the monitoring committee and the intermediate meeting in Koné on 22 February 1994.

The Minister for Overseas Departments and Territories announced that the questions of pensions for teachers in private schools and of the status of agricultural cooperatives should be regulated by Parliament in the coming months. He also stated that the agence nationale pour l'insertion et la promotion des travailleurs de l'outre-mer (ANT) would very soon send a mission to the Territory in order to consider the contribution it could make to the training of young Caledonians.

The election timetable for 1995 was also presented, and attention was drawn to the need to set a date for the provincial elections. That will be discussed at the sixth meeting of the monitoring committee. The number of legislative constituencies will depend on the results of the next census and the reform of the electoral system will depend on agreement being reached between the partners.

FLNKS drew attention to the Jean-Marie Tjibaou cultural centre. It was agreed that the main priority was to work out carefully how the centre would operate and how much it would cost as well as to provide funds for what are known as "prefiguration" activities during the intermediate period 1994 to 1996. The Ministry of Overseas Departments and Territories and the Ministry of Culture will continue discussions on this matter.

Regarding royalties, a proposal has already been laid before the consultative committee, but without success. With the agreement of the parties, there will be a fresh round of consultations on the initiative of the High Commissioner within the said committee.

The Minister for Overseas Departments and Territories noted that a decision was awaited from the Prime Minister on the issue of the 1995 population census. RPCR expressed the hope that there would be a simplified questionnaire.

It was decided that particular attention would be given to the training and employment of nationals from the Territory, especially as regards employment in the public sector. The High Commissioner was entrusted with this task.

It was stated that fishing agreements concerning the economic zone of New Caledonia would be the subject of extensive preliminary consultations with the elected representatives of the Territory and that the latter would continue to play a role in the delegation negotiating the agreements.

There was an exchange of views on the date of the sixth meeting of the Committee to Monitor the Matignon Accords; the meeting could be held at the beginning of 1995.

ANNEX V

Agency for the Economic Development of New Caledonia

The partners on the Committee to Monitor the Matignon Accords had agreed in December 1993 that economic development and the realignment of activities in the Territory required the adoption of new methods to obtain speedier results.

The Committee had therefore accepted the proposal to establish a small team of economists and planners alongside the representative of the State in order to help the authorities of the Territory to define their long-term economic policies and to encourage the implementation of investment projects.

At the February 1994 meeting of the monitoring committee, the partners reaffirmed their wish to see this team established alongside the High Commissioner; its tasks would be, inter alia, to attract productive investments, and to seek out and follow up projects.

The Minister for Overseas Departments and Territories, in agreement with the Director of the regional development agency, decided to ask Mr. Michel Viger, the commissioner for the industrial redevelopment of Lorraine, to visit and provide expert advice.

This mission (from 6 to 13 July 1994) produced a report which was favourably received by all the partners on the Committee at its meeting of 15 September 1994 in Nouméa.

The Minister for Overseas Departments and Territories then decided to implement the conclusions of the report immediately and assigned Mr. Viger the task of preparing a structure for economic development modelled on the industrialization departments of the regional development agency in France. To this end, the statutes of an association under the Act of 1901 were filed in Nouméa on 25 January 1995.

This association, called the Agency for the Economic Development of New Caledonia (ADECAL), brings together inter alia the State, the Territory of New Caledonia and the three provinces. It is also open to all those who wish to work for the economic development of New Caledonia, including the chambers of commerce and private businesses.

The Agency for the Economic Development of New Caledonia has been given a budget of 8 million French francs for 1995 divided up as follows: State FF 3 million, Territory FF 3 million and provinces FF 2 million (FF 1 million for South province, FF 640,000 for North province and FF 360,000 for Loyalty Islands province).

In addition to Mr. Viger, the team consists of a local development officer (Mr. Ptolet), an international development officer (Mr. Hubert-Delisle), an administrative assistant, a secretary and a driver.

The Agency was officially set up by the Minister for Overseas Departments and Territories at the beginning of February 1995; its programme of action for 1995 focuses on three themes: local development; town and country planning; and an international effort to seek out French and foreign investments.

Two decrees were issued on 23 February 1995; one established the post of Commissioner for the Economic Development of New Caledonia, the other appointed Mr. Michel Viger to this post.

Since its appointment the Agency's board of directors has approved membership applications from the Caisse française de développement (French Development Fund), the Banque calédonienne d'investissement and Energie Nouvelle-Calédonie.

Three further requests will be considered at the next board meeting. These are from the Chamber of Commerce and Industry, the Chamber of Trades and the Economic and Social Committee.

ANNEX VI

Interviews with Mr. Dominique Perben, Minister for Overseas Departments and Territories (Radio Rhythme Bleu)

7 February 1995

Elisabeth Nouar, journalist: Good morning Minister. Thank you for agreeing to join us once again for breakfast in the RRB studios. This is your fourth visit to New Caledonia, and this has become almost a tradition. Thank you for going along with it. You gave a long interview, before your arrival, to the daily Les Nouvelles; you naturally spoke at Tontouta on Friday; and the next day at Pouembout, to announce the aid to be granted to stockbreeders.

Tomorrow, the sixth annual meeting of the Committee to Monitor the Matignon Accords is to begin and you will, of course, be saying the content of your speech for the partners in the Accords. In fact we were wondering just what we would be able to ask you this morning, but then we realized that there are actually a good many questions which have been left to one side, so we have several questions to ask you before the Monitoring Committee meeting begins tomorrow.

Perhaps we could ask you to say a word, in your capacity as Minister for Overseas Departments and Territories on Polynesia about which relatively little has been said. Did the visit go well? There is a feeling that perhaps it didn't, that there were a few problems.

Mr. Dominique Perben: I had three aims in going to Polynesia. Firstly I wished to review the conditions for the implementation of the February 1994 Act, which we call the policy guidelines Act, and to see what the position was as regards the development agreement. The meeting was held, it was held in a not always very cooperative atmosphere, or rather, to be frank, a not always very pleasant atmosphere, as one of the partners - the Territorial Government - wished to demonstrate, or perhaps I should say insisted on demonstrating, that the Government of Mr. Balladur - who is not the candidate chosen by Mr. Flosse - had not done enough. Quite apart from the slightly forced nature of this insistence - which incidentally a good many people in Polynesia found rather amusing, since they understood full well what was going on - it did rather get in the way of our work. Despite that, we did look very seriously at the Act and the development agreement and on the whole I think we saw clearly both what had worked well in the health and social sector in particular and also what required closer collaboration between the officials of the Territory and of the State.

Elisabeth Nouar: And then, after Polynesia, New Caledonia. You arrived on Friday and your first visit was on Saturday morning to Pouembout to meet stockbreeders and farmers.

Now you have seen the condition of the bush, what is your feeling about the land first of all? What is your reaction to the drought?

Mr. Perben: There are two points. First of all, the drought, which is unfortunately not new this year but rather the accumulation of several years of drought, is very worrying. Those farmers, for example, who have been able to produce fodder in the humid regions have managed, but those who have not been able to feed their livestock properly are having an extremely difficult time. So we have decided to allocate 36 million francs in aid, which will be made available to the High Commissioner. This will function as aid, as financing to these farmers in particular, and will probably help them to get through this still difficult time. However, I would like to say that the morning I spent with the stockbreeders I found very interesting and I got a great deal out of the time I spent talking to them. Even though I had been here three times before, I did not really know anything about them. I went out onto their land with them to get some idea of their work situation and I have a good deal of admiration for their occupation, their way of life, the way they go about things. I shall remember this for a long time, if I may say so.

Elisabeth Nouar: The question still needs to be asked, however, is 36 million enough? Isn't it rather meagre, in view of the widespread damage the drought has done?

Mr. Perben: Well, we'll see, I think it should be enough. I should add that the State is not working alone, but several sources of aid have been established.

Elisabeth Nouar: Quite so - if we look at what the other groups are doing, do we not get the feeling that the State is not pulling its weight?

Mr. Perben: Well, you also have to look at the way the institutions work. The State is helping here in an area which does not really concern it, as financial authority rests essentially with the Territory or the provinces. So I think we need to see how the land lies, to look at particular cases. We will have to see to some extent what form the intervention will take.

I have spoken to experts about this, and they appeared to be happy with the aid. We will see what happens as time goes on and we will also see how the weather develops. In theory, the so-called rainy season is not over, but really that's another question as, to make up for the lack of water of these last four or five years, we would need several months of rain.

Elisabeth Nouar: Tomorrow comes the focal point of this, your fourth visit to New Caledonia, the sixth meeting of the Committee to Monitor the Matignon Accords, and this will be the first of the annual meetings of the Committee to be held in Nouméa. Now, at each of these meetings, there is always one major idea, one dominant theme. I won't ask you to reveal anything that you naturally wish to keep for those participating in the work, but could I ask you what is your attitude as you approach the meeting? What do you think the tone of this Committee meeting will be and what do you think may come out of it?

Mr. Perben: To answer that, I think we need to start with a very basic point. It is now February 1995 and we are entering an election period, with the presidential and provincial elections in April and May and the municipal elections in June and July. This means that it is very important to use this

February meeting to set in motion several ideas or thoughts because I don't think we will be meeting again until September now. If this meeting is not highly productive in terms of conclusions, positions, and the will to get several things moving, then we are in danger of losing six months.

I am well aware that this is not, shall we say - and it's true - an ideal moment: this is the message from several quarters, but despite the political constraints, it is because I do not want us all to waste time during the next six months that I have been anxious to have this meeting now. This is also why we will naturally be raising political issues and I hope that we will raise the question of how to continue our discussions after July or August, because that is a matter we will have to go right into. I know that my partners are now determined to have such discussions but we will only succeed, once the elections are over, if we begin thinking now about how to go about it. We will, of course, also have to discuss the date of the provincial elections. This has not yet been decided and I would like to return to Paris with an agreement regarding the date - I think this is a fairly good opportunity to discuss it. And then we have a whole series of major economic questions which we have already begun working on, and we have made good progress in the last six months.

ADECAL, the development association, the agency for development, will soon be in its office, this is good, it means that people have worked hard and set it up and it has started working. I think it is coming up to the expectations of both sides. We will be addressing the nickel question, we'll be talking about electric power, and also about realignment. It's something we have talked about a lot but it needs to be discussed in concrete terms and I would like, for example, to come back to the specific strategy to be applied on the Nepoui project. This seems to me to be very important but we must talk about it in a very specific, concrete, operational way and not simply using studies which are rather too theoretical. So I think we have enough to be going on with for these two days, Tuesday and Wednesday. As I said, once these two days of work are over, I would like there to be a kind of "holiday assignment", if I may use that expression, for everybody for the next six months so that we will not waste any time, and when we meet again in August or September - by which time many things may have changed - we will not be starting cold after six months' complete inactivity.

Elisabeth Nouar: Still, there is some tension, or let's say some friction, over this Committee, which maybe is natural. You expected, no doubt, the kind of climate where people seem to be trying to find their bearings and calling on you for explanations on different subjects.

Mr. Perben: I think in a way that when someone from the Government is present, it's the rule of the game for people to somehow call the Government to witness when making their points. You know my way of doing things; I'm the kind of person who always tries to stay calm and keep talking with all concerned. The Union Calédonienne (UC) took a fairly strong position yesterday evening in a communiqué.

Elisabeth Nouar: That communiqué was issued last night and our listeners don't yet know about it because it aired after newspaper publication times; so, to fill people in, this communiqué is a reaction to the authorization given by the

representative of the Government for the opening of a casino in the Méridien Hotel. UC deplores - and I quote - "the contempt displayed towards the pro-independence representatives". UC calls upon you, as Minister for Overseas Departments and Territories, to give your interpretation of this realignment, which in its view comes down to complicity with RPCR, and it insists that the Government should reconsider its position before the Committee meets. What will your answer be to that?

Mr. Perben: Well, the simple facts are, first, that this proposal to build a hotel complex and a casino was not thought up out of the blue, two weeks ago, by a few people. Let me remind you that the tax-exemption decisions making this operation possible go back to 1992. It was not the Balladur administration but the previous one that gave the authorization to use tax-exempt funds for this project, which planned for - and everyone knew it at the time - both a hotel and a casino. And let me remind you also that all three provinces are shareholders in this operation. So no one can come and say to me today that the Government is promoting an operation that had not been spelled out for all to know.

Therefore, I think we must keep here. At the time, of course, everyone thought the authorization would be given not by the State but by the province, and in fact many people might perhaps have been more comfortable with that. It seems that the Council of Government has decided otherwise; I could have done without that, but I enforce the law. Let me add that the High Commissioner has worked out standing regulations on gambling that are good regulations, and he did it, by the way, after consulting with people where this project was concerned. My view is that this project was already out of the starting gate and the economic choices had been made; and I would say that the only decision that has been taken is the decision to open the doors of the establishment, whereas the decision to build the establishment was made three years ago. So, let's not reverse the order of things. Given the situation, what is the issue today? The issue is to understand the possible economic consequences of starting up the operation, bearing in mind that it will not open its doors immediately because there are both operational and regulatory delays. The State is, of course, perfectly ready to consider ways of reordering the economic alignment, and that is what I would propose to my partners, because we are in a sense the guarantors of maintaining the overall balance of the economy.

I think we must ask ourselves another question, which is how best to put into effect this realignment policy that you were speaking of a moment ago and which is the subtext of the communiqué. I think that realignment is a matter of investment much more than of curbing development. Let me give an example: [Goro. Nickel] is, as you know, very much in the news. If that goes through ... The mining of laterites, of lateritic nickel deposits, is done in South province for geographical reasons. But, if the project does in fact go through, it will involve Loyalty Islands province, where calcareous deposits have to be extracted, and so that will entail a certain amount of work. Also, it will involve North province on account of electrical power needs and electrical power production. In this kind of project, which for geographical reasons is primarily of interest to South province, we can find a way, if we sit down together to think productively with the assistance of the State, to have the other two provinces participate in the project as well.

I give this as an example because I think it's a good illustration of how realignment must be conceived. Realignment must not be achieved by preventing the development of some on the grounds that it would be at the expense of others. Realignment must be achieved in such a way as to make everyone advance, and to turn the good fortune of some to the benefit of others. Therefore, we have to make more of an effort to hold to this approach, which could not be more positive.

Nicolas Vignoles, journalist: But isn't it true that the youth project was badly run from the very start? Was there any point in deferring the authorization?

Mr. Perben: The project file had to be completed. These are very complicated matters, you know, and I'm not going to get into the legal aspect because, in any case, it is not my field, any more than it is actually my role. What I can tell you is that it was not simple because the State took everyone a bit by surprise with its view that it was a government responsibility. We had at one time considered passing on the responsibility to the provinces by proposing a bill last fall. Well, there was no consensus on that and so by November I was convinced that the State had to carry the project forward. As you can see, a lot of time had already been lost.

At that point, the High Commissioner found that, of all things, there were no rules governing the matter. The rules therefore had to be determined, and such things have to be done properly because issues of public order, security and individual rights are involved. Next, the complete project file had to be formally deposited by the petitioners before a decision could be taken. So I really think that we went forward as quickly as possible in view of the time constraints and I don't see that six months sooner or six months later would have made much difference. What mattered was that the investors should not find themselves in a bad situation. In fact, let's step back a bit and think what is at issue here: let's imagine for a second that the authorization had not been given. Do you think that, the next time, any new investors would have been found for either North province, Loyalty Islands province or South province? Just suppose that people who had had taxes waived, who had launched an operation, who had begun construction, should find themselves unable to operate an establishment. Would that have been the best way to attract private savings, to attract investors to come to New Caledonia to develop the Territory?

No, I think we have to be smart about this. We all know that what matters - and this is in fact one of the goals of ADECAL - is to see to it that, over and above the public investment, there is extensive private investment throughout the Territory. That is what concerns me and what seems to me more important than any other consideration.

Elisabeth Nouar: Minister, it's now been 25 minutes that we've been speaking and this interview is drawing to a close. We would like to come back for a moment to the substance of the Matignon Accords. Over all, they're working. I believe that everyone here and in France proper has noted that peace has been re-established and there has been some development and a realignment. But beyond the positive aspects of the Accords, one is prompted to ask you: just what is missing six years after their signing that keeps them from working

better, that would avert these surges of tension, these frictions? Actually, some points have been brought out here and there and a few observations have been made on which we would particularly like your views.

For instance, there are the absence of decentralization, the less than complete confidence among the partners, or the fear of media reaction. For a start, overregulation and the failure to decentralize have recently been condemned by Jacques Lafleur. He has done so several times, most particularly after the meeting he held with you the other day. When speaking of the matter, one always has the impression that a certain game is being played, that the Administration, or the Administrative Tribunal, is not necessarily acting in the spirit of the Accords, which advocate greater decentralization. One always has the impression that the State is having trouble handing over responsibility. Doesn't this actually compromise the Accords?

Isn't there also the further danger of slipping back into the state of violence we once experienced, given the fact that the violence had been justified as a demand for greater responsibilities? In the final analysis, shouldn't the matter be handed over to Caledonian officials?

Mr. Perben: You're right to underscore the need for a continuous, progressive decentralization. Otherwise, that leads to rather silly legal problems. I think that we need full political consensus that the law here in New Caledonia must be imbued with the spirit of the Matignon Accords. I can tell you that, as far as the Government is concerned, that is perfectly obvious. What happens is that there are a few specific judicial decisions whose effect is to throw responsibility back up towards the top. Inevitably, with the law adopted in Parliament, we will have to do again what we have been doing these last weeks, which is to clamp down somewhat systematically to make sure that responsibility does not seep back up.

It's very clear that, as part of the preparations for 1998, we will have to work on the legal side to actually imprint the spirit of the Matignon Accords - that is, this spirit of specificity, of autonomy, as it were - on the legal system. Reactions like that of Jacques Lafleur the other day are precisely an indication of how very difficult it is for the Administration and for traditional French law to swallow the fact that we are thousands of miles away from mainland France, with our own features, our own traditional ways of life, and that the laws have to be made to reflect this better. I am completely convinced of this; it is a priority and needs to be worked on, and that will be one of the subjects we are going to have to discuss with our partners.

Nicolas Vignoles: The most recent case in point is in the maritime sector, which is now under State ownership, as regards the landfill issue.

Mr. Perben: It was always under State ownership, but opinions were, shall we say, divided.

Nicolas Vignoles: And then there is the issue of the landfills whose ownership is no longer transferable. I believe, in fact, that the RRB facilities are to be built on landfill, as in any case is the whole centre city of Nouméa. Is not this kind of decision the ultimate absurdity?

Mr. Perben: In every such instance, difficulties arise, so I would like to go back a moment to answer the preceding question. What should be done to go about applying the Matignon Accords in less of a crisis atmosphere if possible?

Let me tell you that the crux of the matter is that we, the three partners, must learn to live more successfully through the crises and the inevitable differences of opinion. In politics, as indeed in other areas of life, there are always difficulties and disagreements. It shouldn't be that every time a disagreement crops up there is the feeling that it undermines everything that has been built up.

I believe we are still engaged in a kind of apprenticeship as to the way of handling disagreements in a calm spirit, without having them become a matter of State each time. Not that disagreements should be encouraged, but in life there will always be some, and when we start discussions on 1998 we are not going to come to an agreement at the very first meeting.

Two years of dogged work will be needed to make headway, assuming we reach a so-called consensus solution. But if we don't know how to handle disagreements, there will be crises at every step of the way; and that certainly is tiring for everyone, tiring in the full sense of the word, which is to say that it is dangerous for everyone. Therefore, I think that this is in a way my message of hope: let's learn to handle in a calmer frame of mind the inevitable disagreements we have and will have in the future. Then, the legal questions of the landfill type, well, the State will have to learn to handle them too, so that our legislation can correspond better to how things stand in Caledonia, which is different from how things stand in mainland France.

Elisabeth Nouar: Do you find that the instances of lack of confidence are exaggerated? Presumably you believe that confidence does exist among the three partners.

Mr. Perben: Yes, I think that there is genuine confidence, that the present anxiety is very understandable and is linked to the electoral results. It was the same when, before 1993, the FLNKS partners were anxious over the shift in majority. I think I can say they were not reassured until after the speech I made to Congress in June 1993, when I conveyed Prime Minister Balladur's message that there would be a monitoring of the Matignon Accords. I believe that today, despite the contacts that all concerned were able to establish in Paris with all the possible presidential contenders, people are somehow worried about the emergence of a kind of sole power here in New Caledonia. I think such a worry must absolutely be dispelled. Obviously I can't speak for everyone, but I can at least speak on behalf of the Prime Minister, and I can say that his political approach is truly to pursue the policy of the Matignon Accords and to prepare for 1998 with the intention of reaching a consensus solution. I should think that ought to reassure our Caledonian partners.

Elisabeth Nouar: And the strained relations between elected officials and the High Commissioner are normal, are part of this lack of confidence?

Mr. Perben: I don't know how things stand in that area, but relations between people vary, they are either good or less good. I think we have to keep a little perspective on this kind of thing.

Nicolas Vignoles: There is a possible third curb, the media reaction. Doesn't the fear that tensions and problems will be brought into the limelight somehow serve to slow down the decisions on projects? A lack of boldness comes across, a certain hesitation in order to avoid negative reactions on New Caledonia in the media.

Mr. Perben: I think the point is that some projects that are difficult in terms of their objectives rather than in political terms call for a great deal of work; and these projects require some time to be carried forward. But I would like to emphasize that since the month of September, for instance, at the latest intermediate meeting of the Committee to Monitor the Matignon Accords in Nouméa, we have made good headway on a number of projects.

ADECAL has been set up, agreements have been concluded between SLN and BRGM, and therefore SLN will be able to buy back mining sites at decent terms and launch a new investment plan. This is very important and is one of the concerns of the elected Caledonian officials.

We have made progress on the energy project, we will have to make progress on tourist matters, and we did move ahead on aeronautical questions. It would be interesting, too, to make a list of all the issues that have been settled in the last 6 to 12 months. It is a very long list and involves very specific projects that are important for the economic development of the Territory.

Just remember the discussions we were having not so long ago on opening up our air space; this opening up has taken place, and the expansion of tourism is now a fact. That means that from here on in we will be able to build a Caledonian tourist industry.

Elisabeth Nouar: To bring this interview to a close, Minister, we will engage in a little bit of political speculation because that's what everyone does, why not? You have already been asked about your future, of course. You have been Minister for Overseas Departments and Territories for almost two years: do you want to continue doing that? Is the Caledonia portfolio still engrossing to you? You were just saying ... you were speaking a moment ago about the fact that in 6 or 10 months, the work will still be under way. Where would you like to be in a future Government?

Mr. Perben: No, I would simply like to say that the Caledonia portfolio, like the other overseas portfolios, in fact, especially the Caledonian one, is very fascinating because it has to do with the nature of relations between people, it involves friendships that are necessarily formed, and a respect that emerges from relations between all concerned - so that I am completely engrossed in these subjects.

I notice in the annals of this Ministry that many of the ministers remained in their posts for a long time, so I don't know if it's a habit. As for the

rest, well, I can't tell you anything because I'm not the one who is going to be deciding in any case.

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Visit of the Minister for Overseas Departments and Territories

Replacement of the Committee to Monitor the Matignon Accords by a Tripartite Meeting of the Signatories of the Matignon Accords

8 February 1995

Elisabeth Nouar, journalist: The sixth meeting of the Committee to Monitor the Matignon Accords did not take place yesterday. However, its main purpose was protected and the partners to the Accords reaffirmed their commitment to continue the process.

Yesterday morning's tense and strained atmosphere gave way to expressions of deep feelings. The tripartite meeting attended by the three partners to the Matignon Accords took place yesterday afternoon in a climate of frank and serious discussion.

Nevertheless, it is true that yesterday was an unusual day, and very confused at first. But the partners to the Accords came together and resumed their dialogue, which apparently was characterized by frankness on all sides.

The events were touched off by the confirmation of the refusal of FLNKS to participate in the sixth meeting of the Committee to Monitor the Matignon Accords. As justification for their position, Paul Neaoutyine and the independence coalition pointed to the Méridien Casino issue, but especially the lack of real dialogue and transparency within the partnership.

At the same time, Nidoish Naisseline went further by asserting that the State was biased. By late morning, it was clear that the sixth meeting of the Committee would not take place.

The Minister for Overseas Departments and Territories then made a statement to the press expressing his regret and surprise. Late yesterday afternoon the episode came to a close when the partners to the Accords met for almost two hours at the official residence for a tripartite meeting termed informal, but which salvaged the failed meeting of the Committee just in time.

The partners talked to each other and said what was on their minds, as Jacques Lafleur briefly indicated at the close of this meeting.

Jacques Lafleur: We told each other what was on our minds. Paul Neaoutyine said his piece, and I said mine. The Minister as well.

To me, the most important thing was that, despite the possibility that unfounded accusations were made because of the elections, we still agreed to continue our dialogue within the framework of the Matignon Accords.

As I said a little while ago, when you do something like this once in your lifetime, you become quite determined.

Elisabeth Nouar: They said what they had to say to each other, and beyond continuing the dialogue, it was clear from the statement of Paul Neaoutyine, who headed the independence party delegation, that each party reaffirmed its commitment to the Accords process.

Paul Neaoutyine: I stressed that, as the beneficiaries of the legacy of Jean-Marie Tjibaou, our participation was voluntary, and that we wished to see the process through to the end. We have a culture and a personality and we want that to be recognized. People like us don't understand when we are presented with a fait accompli on matters that, in our view, should have been discussed either in working groups or in the Committee.

We are part of a process that all three of us agreed to. This process cannot reach its rightful conclusion unless its balance is maintained on all points. Our position, of course, is to indicate our points of disagreement politically at this particular time and to return with our partners to a more transparent and active partnership in pursuing these things, especially in the discussions on the country's future.

Elisabeth Nouar: The Minister for Overseas Departments and Territories speaks of a good, frank and serious atmosphere. We reached Dominique Perben by telephone last evening, and he agreed to discuss again the tone of the meeting, which he said would be among the most important he had attended on Caledonian affairs. It appears from what Dominique Perben said that the main points have been preserved.

Dominique Perben: ... the cancellation, you might say, of the morning's monitoring committee meeting, and then there was finally this so-called informal, private contact at 5 p.m., when we again met with the FLNKS and the RPCR, and beyond any technical agenda, it was a time for explanations. Now what do I mean by "explanations"? I mean that Jacques Lafleur, very intensely, or Paul Neaoutyine or myself, we said what was on our minds. Each of us, I think, in our own way, reaffirmed our belief that we had to continue our dialogue, continue to build peace, understanding and development in New Caledonia.

Basically, for me it was the most unusual meeting in two years because these meetings are usually somewhat technical or technocratic in nature, whereas there, everyone spoke his mind, and I, for one, said to the others at the meeting - to whom, I might add, I might have been speaking for the last time, since their term of office ends on 15 May - that I was confident about the future but also that everything was still fragile, and that we political leaders should be aware of our responsibilities.

I couldn't help remembering what happened yesterday. As I said to Jacques Lafleur, a signatory to the Matignon Accords, and Marie-Claude Tjibaou, I found myself there, on the site of the Jean-Marie Tjibaou cultural centre, and what happened yesterday, I admit, I was thinking about it during this meeting. I think what happened at the meeting was very positive. I think it was the

reaffirmation, for the three partners, of their common willingness to carry on a dialogue, to find peace and to develop New Caledonia.

Elisabeth Nouar: To come back a bit to this busy day, isn't it possible that this morning was not the appropriate time?

Dominique Perben: Well, I think there was a chain of events, maybe we didn't give each other enough information. In a way I would say that's not important; what matters is that we got together again. I really believe very sincerely and deeply that we must not waste any more time. There are a number of matters we would have discussed in the Committee that we will have to talk about in a new way over the coming days and weeks. We must think about the future - maybe the events of yesterday and today have given a sort of signal that what appeared simple on the surface will perhaps be less so. The partners and people of good will may need a great deal of resolve and determination to make it to the 1998 elections.

Elisabeth Nouar: The tripartite meeting, which, according to all the participants, was highlighted by a strong, moving statement by Jacques Lafleur, was the epilogue to what might have appeared to be a crisis among the partners. "We must be careful that the ties do not appear to be cut, that could be a matter of concern", Dominique Perben had said that morning.

The reasons for these strains could very well lie outside the situation itself. The election period, with all it entails, is certainly not far removed from the prevailing atmosphere of yesterday morning. The question of excessive media coverage could also be raised - it is risky for meetings like this; it's as if the hunger of the press for news items makes it take hopes for reality, tensions for a rupture.

On the Minister's schedule today is the inauguration of the Association for the Economic Development of New Caledonia. The Minister for Overseas Departments and Territories, Dominique Perben, will leave New Caledonia at 2.40 p.m. for France.

ANNEX VII

Interview with Mr. Dominique Perben, Minister for Overseas Departments and Territories, 7 February 1995 (Radio DJIIDO)

Nicole Waia, journalist: Good morning to all our listeners. Today we are pleased to welcome Mr. Dominique Perben, the Minister for Overseas Departments and Territories. I should like to take this opportunity to point out that this is the first time since the establishment of Radio DJIIDO that a French Minister of Government has consented to take part in a live broadcast here. Mr. Minister, good morning and welcome to our programme.

You are here to chair the 6th meeting of the Committee to Monitor the Matignon Accords, and I believe it is customary to ask what your frame of mind is at the outset of this meeting of the Committee, which ought to be starting in a few hours' time, because as we heard yesterday evening, the Front de libération nationale kanake socialiste (FLNKS) intends to boycott the meeting, so I believe that everyone is eager to find out your reaction to this and to know whether the Committee will still meet as scheduled.

Mr. Dominique Perben: I believe that faced with this kind of situation, one should remain very dispassionate. First of all, I have been here in the Territory for a number of days and I have met farmers from the north-western part of Grande Terre, so I have been looking at the problems of agriculture and drought. Since then, at the invitation of Mr. Richard Kaloi, I went to the Loyalty Islands - I had more or less given him my word that I would - and I was extremely impressed by the welcome extended to me in Lifou - not to me as an individual of course but rather to the government officials as a group and to myself in my capacity as Minister. We held extremely interesting discussions not only with the customary leaders but also with elected officials on the development of the island and other matters. In addition, as you know, since Friday, I have met delegations from different political movements and in particular the Rassemblement pour la Calédonie dans la République (RPCR) and the various elements of the FLNKS. We addressed a number of important issues which are key issues for the future.

So now, in reply to your question as to my frame of mind with regard to this Committee.

I think we are now entering an election period, as everyone knows, which may be a bit inconclusive for the next six months. In my view, as I have tried to convey on many occasions, it is important to establish from now certain priorities, to work out certain guidelines to save time, because I am convinced that things will not pick up seriously until September or October 1995 and, at that point, we would have only two years left to make preparations for the elections in 1998.

My intention this morning, as I mentioned in previous discussions, is to propose that we outline a discussion method for the post-election period. That is my first point, and it is a point that I consider very important for a

monitoring committee and it is a strong political point which deserves the attendance of everyone in this Committee.

The second purpose of the Committee, in my mind, is to make headway with certain projects that are already well under way. There is the development agency, which we will be visiting tomorrow, but there is also the question of nickel, the electricity issue, the question of air transport. There are a number of things that we should do. We should also address the question of the port facilities and the airport. So you can see that we have a whole series of issues which should be discussed now because I know that it will be more difficult in the coming weeks and even up to July - life is like that - and elections are a constraint, as everyone knows, that's what democracy is all about and I am afraid that in the space of six months, we will hardly be able to make any progress on these issues. So I should really have liked us to be able to make some progress over the next two days with all the participants together. Of course, I am still open to discussion. I am convinced that I shall be pursuing my contacts - which, if I may be so bold, are good on a human level, that is, in terms of public relations - within the monitoring committee, as well as outside.

Nicole Waia: What is your reaction to the FLNKS decision to boycott the meeting of the Committee? Are you going to maintain this Committee, excuse me but you were speaking precisely of the electoral period, will this Committee be of any value since it is meeting in the middle of an electoral campaign?

Dominique Perben: What will be of value will be the decisions we take. My personal feeling is that it is better to come to the table to take decisions than to remain outside. This being the case, I respect the decisions of each party. These are political choices; it is for the leaders of the FLNKS to decide whether it is the best political strategy to leave their seat empty just two and a half months from the presidential elections at a time when everyone knows perfectly well that a new president of the Republic is going to set up a new majority, a new government. I was foolish enough to think, on the contrary, that we should be in a phase of intensive negotiations rather than refusing not to discuss but to participate formally in meetings. This is not a refusal to talk, because yesterday I spent two hours with the FLNKS; we spent five minutes on the announcement of their non-participation for this morning. Obviously, we did discuss a lot of other issues and that's fine, I am prepared to continue to do so.

But that was a political act, it is not for me, as Minister, to interpret it; I am simply carrying on with my trip, whatever form the discussions may take. I am obviously going to continue to discuss with all who wish to do so. For my part, I am available, my door is open. Whoever wants to talk with me may do so, and not for the sake of talking with me but with a view to making progress on the issues. That is my approach and, once again, I believe, as you have suggested yourself, that it is all more or less linked to the electoral period because each side wants to take a stance.

Nicole Waia: Well, when you arrived, you spoke of readjustment and modernization and yet - I think that you were expecting this question - the French Government has just taken a decision aimed at authorizing the

establishment of a second casino in Nouméa, which is appalling for a town of 70,000 inhabitants, and certainly the only example of its kind in the whole of France. This decision was taken in Nouméa, so the order was signed at a time when a delegation from the FLNKS was in Paris to discuss contentious issues including that of gambling. So as you can see, Mr. Minister, through this measure, you are depriving this single structure - SOFINA, to avoid naming it, which was itself the result of restructuring - the financial means of pursuing this policy of readjustment. There is a certain element of contradiction there. How do you explain this?

Mr. Perben: My understanding of the issue is not at all the same as yours, Madam, and that should come as no surprise to you. First of all, with respect to the decision, let us be clear, I don't think that we should delude ourselves: the real decision was taken when it was decided to construct the Meridien Hotel and the Casino. It's not the administrative authorization to open the door that matters, it's the investment decision for the building and everything in it. That decision was taken in 1992, I was not in the Government at the time, the majority was different then. And as I recall, the two provinces, the North and the Loyalty Islands, are shareholders in these projects. So I find it surprising that today a problem is being raised that had been decided virtually on a joint basis because, when you are a shareholder in a company, you generally know what is happening in that company. So I think that the way things are being presented is not very accurate. Therefore, my concern now is not to prevent an investment that was decided earlier, which was made tax-exempt, I don't hesitate to say it, by the then socialist Government because there were tax-exempt funds invested in the project, so it is not going to be disclosed now. It's a decision that dates back to 1992, so that's the question that I am raising today and that is what I should like to discuss with the authorities.

In particular, when considering North province or the semi-public companies that depend on the province, we have to consider how to manage the economic impact, if any, and think about what we need to do to develop tourism in New Caledonia. I should like to remind you that, since we decided to open our airspace, the number of tourists has been growing. So we should stop thinking in terms of a fixed structure or population: what we need to do is attract more tourists, see how the structures that depend on North province can find a different economic balance and, to this end, as I have already told my interlocutors and now confirm on your radio station, the State is ready to take on responsibilities and assist the economic officials of this group to, I should say, forge ahead in sound economic conditions and to promote the tourist industry in New Caledonia as a whole, especially in North province, since what we are talking about is, first of all, the capacity to invest in the north.

Nicole Waia: Well, it's true that you mentioned 1992. Everyone was more or less well informed about this project but, if I am not mistaken, at the time, it had been agreed in discussions that SOCABA, which nevertheless profits from the Société touristique, should have a majority on the board of directors. Now, what happened after that was that discussions were held and one of the parties, Mr. Lafleur, refused to accept this discussion and proposed that SOCABA's share should be 20 per cent. So, isn't there a contradiction here too?

Mr. Perben: You know, it's not my place to discuss matters of a financial nature, since this kind of question is so ambiguous and mixes public and private interests. I am not in a position to pass judgement on discussions in which I did not take part, which I didn't witness and about which I received no report. What I do know is that discussions are possible. As far as the State is concerned, the State is prepared to provide assistance in different ways, and I am absolutely convinced that, with a dynamic tourist policy, the economic balances can be completely maintained and, I may add, the opening is not going to take place immediately. The administrative delay is four months, as far as I know, and in addition there will be physical and material delays, so it will be about six months before anything happens. We have plenty of time to resume our discussions, to think, to consider the wishes of the various groups concerned, whether these be hotel groups or groups with ties to North province, and to come up with concrete, practical and intelligent solutions. I think that, in this matter, what we need, you see, is to try to be intelligent and think first of the Territory of New Caledonia.

Nicole Waia: Well then, let's get to politics. With the elections coming up, haven't you yielded to the demands of Jacques Lafleur, as was the case in 1988 with all the consequences that that implies?

Mr. Perben: Do you think that we're going to continue to reduce the political life of New Caledonia to the opening of the casino? We should maintain our sense of proportion, after all.

Nicole Waia: No, I don't think so, Sir.

Mr. Perben: Yes, but that's what we've been doing for the last 15 minutes.

Nicole Waia: But you know very well that this is a political issue; the proof is that it has been dealt with only by Mr. Lafleur and not by any of the Méridien shareholders.

Mr. Perben: It has been dealt with by a number of people who know the business; that's quite clear. I act in accordance with what I believe to be the development situation of New Caledonia, not in order to fulfil the wishes of one group or another and, in future as in the past, rest assured, I will say that there'll be something for everyone. What I mean is that some of the decisions that I take won't necessarily please some people.

Nicole Waia: Sir, you mentioned just a moment ago that a major concern of all New Caledonians is the institutional future of this country. In this regard, you told Les Nouvelles Calédoniennes that discussions wouldn't be held until after the elections. What if, because of all the problems that we've just been talking about, FLNKS decides to boycott the elections? If that happens, Sir, to get back to the casino, why was it necessary to come up with the decree so hastily and to pass it? Excuse me, but what was there to prevent the Government from waiting until the FLNKS delegation returned. In fact, why couldn't you wait until the matter came before the Committee to Monitor the Matignon Accords?

Mr. Perben: Yes, it was discussed in Paris. Now let's be completely fair in our presentation of the facts. Let me tell you something. If we want - and I

think everyone wants - private investors to be interested in New Caledonia, do you think that the best course of action is to halt work on the first major project, to leave the door closed, after we've given people the go-ahead and made part of the funds tax-exempt? If we do that, do you think that there'll ever be another investor? I think that, if we want to kill development in the Territory, that is just the way to do it. Because, if we create administrative instability or legal instability for investors interested in the Territory of New Caledonia, that might please some politicians but probably won't please young people looking for jobs. So I think that, in this matter, people should act responsibly. For my part, that's what I've done. I've acted the way I have because I'm convinced that it is in the interest of the Territory of New Caledonia as a whole. Just as tomorrow, I am ready to take decisions that won't please anyone except those who are dissatisfied today, because that's my job and that's what has been done in the past. The role of the State is not necessarily to please everyone at the same time; to begin with, in general that's not possible. My job is to take decisions that promote the development of New Caledonia and that allow us to forge ahead. This is the real issue in the debate. So, while there may, of course, be problems in the time-table - I know that right now everyone is thinking about elections, be they presidential, municipal or provincial. The fact remains, however, that what we need to do is make our tourist industry a success. That is, moreover, one of the issues I want to bring up in the Committee, the additional improvements that need to be made in air service. For example, that's what Air Calédonie is doing with Japan. That's a good way of bringing more Japanese to New Caledonia.

These in my view, are the real issues of the future, and I can't help thinking that the people of New Caledonia are more interested in economic potential than in conflicts that at times seem to me to be somewhat political.